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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,062	09/30/2003	Michael P.C. Lau	P69177US0	1402
136 7590 12/12/2007 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			EXAMINER TORIMIRO, ADETOKUNBO OLUSEGUN	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,062

Applicant(s)

LAU ET AL.

Examiner

Adetokunbo O. Torimiro

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on 10/01/2007 has been entered. It is noted that claims 1-9 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barri (US 2005/0014563).

Re claim 1: Barri teaches a game or entertainment apparatus for use in conjunction with a digital video player (14) and display (18) comprising: a media containing apparatus containing a media file having programming instructions to control movement of the media reader through the media file upon receipt of instructions from a controller; and wherein said media file directs and programs the media file reader to alternative memory locations in the media file to display screen images to construct an interactive game and controls the responses of the media file reader to the signals from the controller (see fig.1; pars. [0003], [0012], [0024], and [0026]).

Although Barri does not explicitly mention the term media reader, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include media reader since for a game apparatus that has media file, there has to be a media file reader so that

the game can function, respond, and hence allow and obey input from the game player's controller, thereby making the game more interesting.

Re claim 2: Barri teaches a game apparatus for use with a media file reading and display apparatus operable by wireless signals through a wireless signal receiver including: at least two wireless signal transmitter units for producing wireless signals in response to user inputs; and means to resolve near simultaneous operation of said transmitter units so as to determine at least the first such unit operated and allow only operational code from the first such unit to be processed by the wireless signal receiver of the media file reading and display apparatus (see pars. [0033], [0035], and [0036]).

Although Barri does not explicitly mention the term media reader, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include media reader since for a game apparatus that has media file, there has to be a media file reader so that the game can function, respond, and hence allow and obey input from the game player's controller, thereby making the game more interesting.

Re claims 3, 5, and 6: Barri teaches wherein the means to resolve are contained in each of the wireless transmitter units and receive signals from wireless signal receivers contained in each transmitter unit; wherein the means to resolve to determine the first transmission and halt any further transmission by units other than that producing the first transmission; wherein each transmission comprises a comparison portion and an operational portion such that the comparison portion can be resolved by the means to resolve to determine the first unit

transmitting and only that unit continues to transmit an operational portion of signal (see pars. [0033] and [0035]).

Re claim 4: Barri teaches wherein the wireless transmitter units comprise remote controls for a digital video machine (see par. [0036], lines 1-4). **It is apparent to Examiner that the transmitter comprises the remote control since the remote is the means for the player to transmit input to the game.**

Re claim 7: Barri teaches a method of providing interactive multiplayer game play or entertainment with remote controls (36a, 36b) comprising the steps of: utilizing an initial signal from said remote controls to determine the first control operated upon near simultaneous operation of said remote controls; and utilizing a subsequent signal transmission from only the remote control selected as the first transmitter to perform a subsequent operation in the game play or entertainment system (see fig.4; par. [0035], lines 8-16). **It is apparent to Examiner that according to the teaching of Barri that if the signal is detected to determine the first control operation from the controls, it would be used as well at subsequent operations.**

Re claim 8: Barri teaches a programmed digital video disc for use with interactive games on a DVD player including: a plurality of video files at specified locations; and wherein the file also contains instructions to alter the address location memorized in the DVD player such that the sequential determination of the subsequent address location that the DVD player moves to

may be other than the subsequent physical address location on the disc (see par. [0003], par. [0026], [0027], and [0028]).

Re claim 9: Barri teaches an interactive game system for use with a DVD player including the following: a disc programmed containing a plurality of video files and address instructions to alter the address location the DVD player holds in memory so as to alter the next sequential address location to which the DVD player would normally address (see par. [0003], par. [0026], [0027], and [0028]); at least one remote control (16) having a plurality of outputs to further alter the address location to which the DVD player may subsequently play (see fig.1; par. [0024], lines 6-23).

Response to Arguments

4. The Applicants corrections in regards to the claim objections and 35 USC 112 rejection are accepted therefore, that objection and rejection has been withdrawn.

Applicant's arguments filed 10/01/2007 have been fully considered but they are not persuasive.

The Examiner disagrees with the argument of the Applicant that one of ordinary skill in the art would not consider it obvious to include a media file reader in a system required to interact with a media containing media file. Also examiner points out that the media storing media file in the invention of Barri interacts with the DVD gaming system and it is obvious that without the media file reader in the DVD gaming system, this interaction will not be possible.

Also examiner points out that the DVD gaming system is the media file reader in the invention of Barri.

In response to the argument that Barri only teaches identifying or resolving and not allowing only operational code from the player's control unit, the examiner notes that par. [0033] and [0036] teaches code processing. Par. [0035] however, teaches the response notification of the players of the game based on the already processed codes. Examiner points out that "buzz-in" action simply describes the process of identifying the controller based on their processed codes.

In response to applicant's argument to the rejection of claim7, Examiner points out that while the cited reference does not explicitly mention "...first control operation used for subsequent operations", Examiner notes that it will only make sense and be obvious that once the setting of the code has been performed as described in par. [0033] for the same code to be used henceforth in subsequent operations. Examiner believes that the need to reset the code each time a game is to be played will simply be a design choice because the controller being reset performs the same operation as when it is set once and for all.

In response to the argument that Barri does not teach specific address and memory allocation for files on the DVD disc, Examiner points Applicants to pars. [0026], [0027], and [0028]).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AT


ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER